

Submitters Committee Meeting Agenda

Wednesday 13 January 2021 at 7pm

Held online and livestreamed at mrsc.vic.gov.au

Submitters Committee:

Council established the Submitters Delegated Committee pursuant to Sections 11 and 63 of the *Local Government Act 2020* (LGA) on 26 August 2020 for the purposes of hearing from planning permit applicants, land owners and objectors; from submitters in accordance with section 223 of the LGA 1989 and from submitters on matters specified in Council's Community Engagement Policy.

Recording of Meetings:

The recording of Council Meetings, or special committee meetings, either visually or by sound, or the taking of photographs in meetings is not permitted without first obtaining

Attachments:

All attachments are available for viewing or downloading from Council's website, mrsc.vic.gov.au

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	<p>The Submitters Committee is a Delegated Committee of Council, established to hear from:</p> <ul style="list-style-type: none">• people in support of written submissions lodged in accordance with s223 of the Local Government Act 1989 (Vic) (LGA);• people in support of written submissions lodged in accordance with those matters specified in Council's Community Engagement Policy as matters that will be subject to a Submitters Delegated Committee hearing;• persons who have made an objection or submission to a planning application in accordance with the Planning and Environment Act 1987 (Vic) (P&E Act); and• planning permit applicants and/or land owners in relation to a planning permit application submitted in accordance with the P&E Act.	
7.	Hearing of submitters in respect of PLN-2020-121 – 74 Hamilton Street and 27 Lyell Street, Gisborne	3
8.	Hearing of submitters in respect of PLN-2020-165 – 198 Mount Gisborne Road, Gisborne.	5

ACKNOWLEDGEMENT OF COUNTRY

To start the official proceedings I would like to acknowledge that Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Country whose ancestors and their descendants are the traditional owners of this Country. We acknowledge that they have been custodians for many centuries and continue to perform age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region.

1. RECORDING AND LIVE STREAMING OF THIS COMMITTEE MEETING

Please note that this meeting is being recorded and streamed live on the internet in accordance with Council's *'Live Streaming and Publishing Recording of Meetings'* Protocol, which can be viewed on Council's website.

The recording will be bookmarked, archived and made available on Council's website 48 hours after the meeting.

This meeting is being held online and Councillors are attending via electronic means.

The meeting will be conducted in accordance with Council's Governance Rules, noting that as indicated in some parts of the agenda, procedures have been slightly modified to ensure the meeting remains compliant but can run effectively in the online environment.

As this meeting is being held online there will be no one present in the public gallery.

I also remind everyone that Local Government decision making, unlike State and Federal Government, does not afford the benefit of parliamentary privilege and hence no protection is afforded to Councillors and Council officers for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.

Thank you

2. PRESENT

3. APOLOGIES

4. DECLARATION OF CONFLICT OF INTERESTS

Online meeting: *The Chairperson will call on each committee member by name to declare whether or not they hold a conflict of interest in relation to any agenda items.*

Councillors' attention is drawn to Division 2 Sections 126-131 of the *Local Government Act 2020* and Part 5, Rule 48 of Council's Governance Rules regarding conflicts of interest.

Councillors are reminded that conflicts of interest must be disclosed in the manner required by Council's Governance Rules. The Councillor must make a full disclosure of the interest by either advising:

- the Council at the meeting immediately before the matter is considered at the meeting; or
- the CEO in writing before the meeting;

and

- whether the interest is a general conflict of interest or a material conflict of interest; and
- the nature of the interest

(If a Councillor advised the CEO in writing before the meeting, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting)

5. ADOPTION OF MINUTES

Any Councillor whether in attendance or not at the subject meeting can move and second the adoption of the minutes, however accepted practice is that Councillors who were in attendance move and second these motions.

Submitters Committee Meeting: **Wednesday 2 December 2020**

Recommendation:

That the minutes of the Submitters Committee of the Macedon Ranges Shire Council held on Wednesday 2 December 2020 as circulated be confirmed.

6. HEARING OF SUBMITTERS

In accordance with Council's Governance Rules a delegated committee may suspend standing orders for the purposes of allowing a member of the public to address the meeting.

In accordance with the Submitters Committee Guidelines, each speaker will be allocated a maximum of three (3) minutes to speak to their submission.

In the case of joint submissions, a maximum of three (3) minutes will be allocated per submission, up to a maximum of nine (9) minutes, and one person should be nominated to speak on behalf of the submitters.

Online meeting: *Submitters will participate in the meeting and present their verbal submission in accordance with the method they have chosen prior to commencement of the meeting, that is:*

- i) via video and audio participation in the online meeting; or*
- ii) via audio-only participation in the online meeting; or*
- iii) via the reading by a Council officer on the submitter's behalf of an additional 400-word submission prepared and lodged by the submitter.*

7.

**HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A
PLANNING PERMIT PLN/2020/121 -
DEVELOPMENT OF SIX (6) DWELLINGS AND WAIVER OF VISITOR
CAR SPACE**

**74 HAMILTON STREET, GISBORNE AND 27 LYELL STREET,
GISBORNE**

Officer **Alexia Paterson, Senior Statutory Planner**

Attachments **Submissions received**

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2020/121 regarding subdivision of the land at 74 Hamilton Street and 27 Lyell Street, Gisborne.

Recommendations

- 1. That the Submitters Committee note the submissions received in relation to Application for a Planning Permit Application PLN/2020/121 – Development of six (6) dwelling and waiver of visitor car space.**
- 2. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Ordinary Council Meeting on 24 February 2021.**

Background

The application proposes development of the land at 74 Hamilton Street and 27 Lyell Street, Gisborne for six (6) dwellings and waiver of one car parking space.

- The application has been advertised and four (4) objections have been received.

Summary of Proposal

The proposal seeks construction of the six (6) dwellings with the following attributes:

- Dwellings will be double storey semi-detached, sited centrally on the block with no walls on boundary;
- Maximum building height would be 8.8 metres;
- Each dwelling will have three (3) bedrooms, open living area, two (2) bathrooms;
- Materials will be mix of brick and weatherboard cladding for the external walls and Colorbond roofing.
- Colour tone is muted with use of browns/reds/grey and crisp white;
- Two (2) on-site car parking spaces provided for each dwelling;
- All vehicle access points will be via Neal Street;

The proposal also seeks:

- A waiver of one visitor car space on-site.

Planning Permit Trigger/s

A planning permit is required to:

- Construct and extend two or more dwellings on a lot in a General Residential Zone
- Waiver of the visitor car space requirement under Clause 52.06 (car parking) of the Planning Scheme.

Summary of Submissions

Four (4) submissions have been received in relation to this application. They are summarised as follows:

Submission Number	Objection/concern regarding application	Officer comment
1	<ul style="list-style-type: none"> • Not consistent with development approach to what MRSC insisted upon in 2016 for their own development nearby (i.e. single storey); • Increase car parking demand; • Easement is not protected; • Overdevelopment on 74 Hamilton Street lot; • Would prefer two single storey dwellings on each lot. 	Noted
2	<ul style="list-style-type: none"> • Loss off three indented car parking spaces along Neal Street; • Already lack of car parking spaces in the immediate area; • Already impacted with neighbours parking at the front of their house; • Tandem car parking arrangement is not practical. 	Noted
3	<ul style="list-style-type: none"> • Not aligned with the existing Neighbourhood character; • Overdevelopment; • Increase in traffic congestion; 	Noted

	<ul style="list-style-type: none"> • Neal Street already has traffic congestion; • Each dwelling is only supplied with one car space; • Overdevelopment on 74 Hamilton Street lot; • Overshadowing in the winter months; • Overlooking; • Seeking to create footpath along east side Neal Street to increase current pedestrian safety concerns. 	
4	<ul style="list-style-type: none"> • Overlooking; • Overshadowing and general reduction of natural sunlight in the winter months; • Visual impact, bulk and scale; • Construction noise; • More privacy and noise reduction by seeking an increase in shared property fence from 1.80 metres to 2.20 metres. 	Noted

Officer Declaration of Conflict of Interest

No Officer involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

8.

<p>HEARING OF SUBMITTERS IN RESPECT OF APPLICATION FOR A PLANNING PERMIT PLN/2020/165 - Development of a replacement telecommunications facility and removal of native vegetation (temporary impact to native grasses)</p> <p>198 Mount Gisborne Road, Gisborne</p>	
Officer	Christo Crafford - Coordinator Statutory Planning
Attachments	Submissions received

Purpose and Overview

To hear from submitters in relation to Planning Application PLN/2020/165 regarding the development of a telecommunications facility and removal of native vegetation (temporary impact to native grasses) at 198 Mount Gisborne Road, Gisborne.

Recommendations

3. That the Submitters Committee note the application received in relation to Planning Permit Application PLN/2020/165 – Development of a replacement telecommunications facility and removal of native vegetation (temporary impact to native grasses).

- 4. That recommendations be prepared, based on all relevant information, including the application received, for consideration and determination at the Scheduled Council Meeting on 27 January 2021.**

Background

The subject site is located on the summit of Mount Gisborne, a hill that overlooks Gisborne and the surrounding locality. The proposal is for the development of the land for a new telecommunications facility to replace the previous tower on the site.

The application has been advertised and nine (9) submissions received. This includes eight objections and one submission in support.

Summary of Proposal

It is proposed to develop the land for a new telecommunications facility to replace the previous tower on the site, as follows:

- Construction of a 15 metre high monopole tower and ancillary components that bring the total height of the structure to 17.5 metres for use by Western Water and the Country Fire Authority (CFA).

Planning Permit Trigger/s

A planning permit is required to:

- Construct a building (tower) and carry out works in a Public Park and Recreation Zone
- Construct a building (tower) and carry out works in a Significant landscape Overlay
- Construct a telecommunications facility under Clause 52.19.

Summary of Submissions

Nine (9) submissions have been received to this application. They are summarised as follows:

Submission Number	Objection/concern regarding application	Officer comment
1	<ul style="list-style-type: none">• We support the Friends of Mt Gisborne	Noted
2	<ul style="list-style-type: none">• Land is in the process of being rezoned to Public Conservation and Resource Zone (PCRZ);• The temporary facilities were sufficient;• Damage to flora and environment;• The applicant will benefit financially once the tower is constructed;• Council denied another application for a tower on the site;• Incomplete information provided.	Noted
3	<ul style="list-style-type: none">• I support the Friends of Mt Gisborne.	Noted
4	<ul style="list-style-type: none">• Mt Gisborne should be protected as a conservation reserve;	Noted

	<ul style="list-style-type: none"> • Cultural heritage should be considered; • Environmental protection conditions must be considered. 	
5	<ul style="list-style-type: none"> • Details of the lease agreement; • Visual and amenity impact; • Non-compliance with planning scheme policy; • Environmental impact and damage; • Erroneous statements in application; • Missing information in application; • Status of reserve has changed. 	Noted
6	<ul style="list-style-type: none"> • Failure to validly represent the telecommunication requirements of the CFA; • Failure to justify the technical needs for the installation of the tower or to demonstrate the serious consideration of siting on the adjacent property or at non-owned Western Water telecommunications sites; • Failure to demonstrate consideration of alternative technologies; • Failure to directly address the imminent change of zoning from Public Park and Recreation Zone (PPRZ) to PCRZ; • Failure to adequately address the sensitive nature of the landscape or the potential damage to the Bushland Resort that will be caused by vehicular access; • This is a new tower rather than a replacement one and therefore this application should be advertised; • In 2019 MRSC refused an application from NBN to construct a tower in the vicinity of the summit of Mount Gisborne and this establishes an important precedent. 	Noted This application has been advertised.
7	<ul style="list-style-type: none"> • Proposal is inconsistent with the ecological and amenity values of the Reserve; • The temporary facilities were sufficient. 	Noted
8	<ul style="list-style-type: none"> • Environmentally sensitive site; • In the 2014 Environmental Management plan for the reserve there was a direction that the previous tower should be removed; • Environmental damage as result of construction ; • No evidence that this structure is needed. 	Noted
9	<ul style="list-style-type: none"> • Supports application; • Confirmation that maintenance requirements have been historically infrequent and access mostly via private property. 	Noted

	<ul style="list-style-type: none">• Foresees no environmental detriment whilst providing a critical community service.	
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Officer Declaration of Conflict of Interest

No officer involved in the preparation of this report have any direct or indirect conflict of interest in this matter.